

PARLIAMENTARY
LIBRARY

INFORMATION ANALYSIS ADVICE

RESEARCH PAPER

RESEARCH PAPER SERIES, 2014–15

31 JULY 2014

‘To the last man’—Australia’s entry to war in 1914

Jonathan Curtis

Research Branch

Executive summary

- On 31 July 1914 in an election speech at Colac in Victoria, the Opposition Leader Andrew Fisher (ALP) famously declared that ‘should the worst happen, after everything has been done that honour will permit, Australians will stand beside the mother country to help and defend her to our last man and our last shilling’.
- Only days later, Britain declared war against Germany on 4 August 1914. The spark that lit the fuse of war was the 28 June 1914 assassination of the heir to the Austro-Hungarian throne, Archduke Franz Ferdinand, and the chain of events leading to world war reflected the extremely complex relations between European countries in the lead up to the First World War.
- It is unlikely that Fisher or his contemporaries had any idea of the human and financial sacrifice of Australia’s commitment. Overall, 324,000 members served overseas with the Australian Imperial Force (AIF) and of these, over 60,000 were killed and 156,000 wounded, gassed, or taken prisoner.
- In 1914, the British Imperial Government remained responsible for the foreign policy of the empire, including declarations of war, so the British Government of Herbert Asquith did not need to consult any of the colonial governments when making its declaration of war. The Australian Government’s role was therefore only to determine the extent of its military contribution to the Imperial forces.
- However, while Australia’s constitutional independence from Britain has long since been clear, then as now, parliament has no formal constitutional role in decisions to go war. The executive power of section 61 of the Australian Constitution is taken to include all the ‘prerogatives of the Crown under the English common law’ including the power to make treaties with the governments of other countries and making war and peace.

Contents

Executive summary	1
Introduction	2
Declarations of war	2
A blank cheque.....	3
A separate declaration of war?	4
Executive and the parliament	5
Further reading	6



Introduction

On 31 July 1914 in an election speech at Colac in Victoria, the Opposition Leader Andrew Fisher (ALP) famously declared that ‘should the worst happen, after everything has been done that honour will permit, Australians will stand beside the mother country to help and defend her to our last man and our last shilling’.

Fisher’s speech occurred in the midst of an election campaign scheduled for 5 September 1914, in what was Australia’s first double dissolution election.¹ When Britain declared war against Germany on 4 August 1914, Sir Joseph Cook (LIB) was Prime Minister of Australia. Following the September 1914 election, Fisher took office (for the third time) and his government pursued a policy of fully supporting Britain’s war effort.

This Research Paper considers the context of Fisher’s declaration by briefly outlining the steps leading to the outbreak of the war and the costs to Australia by the end of hostilities. It then examines two particular issues of relevance in the parliamentary environment: the extent of an independent Australian foreign policy and why Britain’s declaration of war was considered to automatically include Australia, and second, the role of the parliament in committing Australia to war.

Declarations of war

The growing dangers arising from nationalist and territorial disputes in the Balkans had been recognised as early as the 1878 Congress of Berlin, when German Chancellor Otto von Bismarck famously noted:

Europe today is a powder keg and the leaders are like men smoking in an arsenal ... A single spark will set off an explosion that will consume us all ... I cannot tell you when that explosion will occur, but I can tell you where ... Some damned foolish thing in the Balkans will set it off.

Relations between European countries in the lead-up to the First World War were extremely complex and in a state of flux. They reflected the interconnected tensions arising from the growing European dominance of a unified Germany, the falling tide of Ottoman power and its loss of European territories in the first Balkan war, Russian ambitions for influence and territory in the Bosphorus, and rising nationalist ambitions among Balkan nations triggering instability in the Austro-Hungarian Empire.²

The specific events that provided Bismarck’s spark are well-known. On 28 June 1914, the heir to the Austro-Hungarian throne, Archduke Franz Ferdinand, and his wife Sophie, were assassinated by Serbian nationalists during a visit to the Bosnian city of Sarajevo, triggering a domino effect of alliance commitments and declarations of war.

Believing correctly that Serbian officials were involved in the plot, Austria-Hungary delivered to Serbia a ten-point ultimatum. When Serbia agreed to only eight of the ten demands, Austria-Hungary declared war on 28 July 1914. In support of its Serbian ally, the Russian Empire ordered a partial mobilisation one day later on 29 July. Germany mobilised on 30 July, and Russia responded by declaring a full mobilisation that same day. Germany issued an ultimatum to Russia to demobilise within 12 hours, and subsequently declared war against Russia on 1 August 1914.

Germany’s war plan was based on the threat of a two-front war against both France and Russia (due to their mutual alliance commitments), and relied on a quick victory over France before turning east against Russia. When it mobilised against Russia, Germany therefore also demanded that France remain neutral.

Germany subsequently declared war on France on 3 August. On 4 August, after Belgium refused to permit German troops to cross its borders into France, Germany declared war on Belgium. Britain delivered an ultimatum to Germany that Belgium be kept neutral, and following an ‘unsatisfactory reply’ declared war on Germany on 4 August 1914.

1. G Souter, *Acts of parliament*, Melbourne University Press, Melbourne, 1988, p. 137.

2. The relative importance of these influences, let alone attribution of ‘fault’ are still hotly debated a century later. Several of the many recent contributions to the debate include: C Clarke, *Sleepwalkers: How Europe went to war in 1914*, Penguin, Sydney, 2013; P Ham, *1914: The year the world ended*, Random House, North Sydney, 2014; M MacMillan, *The war that ended peace: How Europe abandoned peace for the First World War*, Profile Books, London, 2014.

On 3 August Sir Edward Grey, British Secretary of State for Foreign Affairs, delivered a statement to the House of Commons on the situation in Europe:

To-day events move so rapidly that it is exceedingly difficult to state with technical accuracy the actual state of affairs, but it is clear that the peace of Europe cannot be preserved. Russia and Germany ... have declared war upon each other ... [France is] involved in it because of their obligation of honour under a definite alliance with Russia

For Grey, the question of the neutrality of Belgium was key, given Britain's 'honour and interest' in upholding the 1839 Treaty of London:

We are going to suffer, I am afraid, terribly in this war whether we are in it or whether we stand aside

Mobilisation of the Fleet has taken place; mobilisation of the Army is taking place; but we have as yet taken no engagement, because I do feel that in the case of a European conflagration such as this, unprecedented, with our enormous responsibilities in India and other parts of the Empire, or in countries in British occupation, with all the unknown factors, we must take very carefully into consideration the use which we make of sending an Expeditionary Force out of the country until we know how we stand

There is but one way in which the Government could make certain at the present moment of keeping outside this war, and that would be that it should immediately issue a proclamation of unconditional neutrality. We cannot do that. We have made ... commitment to France ... which prevents us from doing that. We have got the consideration of Belgium which prevents us also from any unconditional neutrality, and, without those conditions absolutely satisfied and satisfactory, we are bound not to shrink from proceeding to the use of all the forces in our power.³

On the centenary of Andrew Fisher's speech, and in the context of what followed, his immediate and unqualified declaration of support for Britain is interesting to us now for three particular reasons: a 'blank cheque' policy to support Britain's war effort, the declaration of war by Britain on behalf of the dominions and the role of Australia's Parliament.

A blank cheque

First, it is unlikely that Fisher had any idea just how costly the human and financial sacrifice of this blank cheque policy would be for Australia.

Overall, 324,000 members served overseas with the Australian Imperial Force (AIF). As the Australian War Memorial states, for Australia, the First World War remains our most costly conflict in terms of deaths and casualties. From a population of fewer than five million, 416,809 men signed up to the Royal Australian Navy (RAN) and the AIF, while 2,139 women served with the Australian Army Nursing Service and 130 with the Queen Alexandra Imperial Military Nursing Service.⁴

By war's end, over 60,000 were killed and 156,000 wounded, gassed, or taken prisoner.⁵ This compares with around 700,000 British, 60,000 Canadians and 16,000 New Zealanders killed.⁶

Australia also had the dubious distinction of suffering the highest proportional losses of any of the national forces within the British Empire at 19 per cent losses of the forces committed and 65 per cent of those embarked.^{7 8} The casualties were still being counted during the 1930s. By then, another 60,000 had died from wounds or illnesses caused by the war.⁹

3. House of Commons, 3 August 1914, p. 1824.

4. Australian War Memorial, *First World War 1914–18*, www.awm.gov.au/atwar/ww1/, accessed 23 July 2014.

5. Australian War Memorial, *Researching Australian military service: First World War, nurses*, www.awm.gov.au/research/infosheets/ww1_nurses/, accessed 29 July 2014.

6. J Beaumont, 'Unitedly we have fought: imperial loyalty and the Australian war effort', *International Affairs*, 90:2 (2014) p. 398, quoting *Statistics of the military effort of the British empire during the Great War 1914–1920*, p. 756.

7. *Ibid.*, p. 398.

8. Anzac Day Organisation, www.anzacday.org.au/history/ww1/anecdotes/stats01.html, accessed 23 July 2014. The vast majority of the casualties were suffered by the Army. The RAN's casualties included 171 fatalities—108 Australians and 63 officers and men on loan from the Royal Navy, with less than a third the result of enemy action. D Stevens, *The Royal Australian Navy*, VIC: Oxford University Press, South Melbourne, 2001.

9. L Carlyon, *The Great War*, Pan MacMillan, Sydney, 2007, p. 752

According to Professor Joan Beaumont, the deaths caused by the First World War, (and those caused by the influenza epidemic that immediately followed) changed the demographics of the Australian population:

The 1933 national census revealed 21,500 fewer men aged 35-39 years—who had been 12-20 in 1914-1919—than in the 30-34 year old cohort. The gender balance of Australian society changed too. Whereas in 1911 there were 109 men for every 100 women between 25 and 44 years of age, in 1933 there were 98 men for every 100 women between 35 and 39.¹⁰

The costs of the war to Australia were also financial, with estimated total costs of between £350 million and £377 million, of which 70 per cent was borrowed and the rest came from taxes.¹¹ This equates to a figure in the order of £170 billion in modern values, although this unsurprisingly seems small compared to Britain's estimated war costs of £3,251 billion.^{12 13}

The costs and implications of the war carried on well past the end of hostilities. As well as the debt, Australia faced the substantial task of bringing home, demobilising and resettling the large army it had sent overseas. This task created considerable administrative challenges, which were driven by both the moral imperative to look after all the volunteers who had served, but also the fear the returned soldiers could become a disruptive and subversive force in Australian society.¹⁴

The size and complexity of this task necessitated the creation of a comprehensive system of social welfare, medical, pension, and soldier settler and pension schemes that significantly changed the role of the federal government and its responsibilities in relation to the states.¹⁵

A separate declaration of war?

A second notable issue is that Australia had no choice about whether to go to war. Notwithstanding that the Australian Constitution provided that the Commonwealth Parliament could legislate with respect to both defence and external affairs (subsections 51(vi) and (xxix) respectively), and the Executive had the broader executive power of section 61, the Australian Government knew that the British Imperial Government remained responsible for the foreign policy of the empire including declarations of war and the power to enter treaties. This reflected the legal status of all of Britain's self-governing colonies, which also went to war: Canada, New Zealand, and South Africa and remained the case in Australia until the enactment of the *Statute of Westminster (Adoption) Act 1942 (Cth)*.¹⁶ As former High Court Chief Justice Mason noted, 'the Constitution did not in 1901 enable Australia to enter into a treaty with a foreign State or make a declaration of war'. Mason quotes English constitutional lawyer Sir Athur Berriedale:

It is perfectly clear that in international law the whole of the Empire is at war if the United Kingdom is at war and that it lies in the hands of the Imperial Government to declare war or make a peace. ...

even in 1916, Isaacs J stated that:

"the creation of a state of war and the establishment of peace necessarily reside in the Sovereign himself as head of the Empire".¹⁷

The extent of Australia's capacity for independent foreign policy was discussed in the Senate Legal and Constitutional Affairs References Committee *Trick or Treaty? Commonwealth power to make and implement treaties*:

At federation, in 1901, the power to enter into treaties was possessed by the Imperial Crown because the United Kingdom Government remained responsible for the conduct of Australia's foreign relations ...¹⁸

10. J Beaumont, *Broken Nation: Australia in the Great War*, Allen and Unwin, Sydney, 2013 (eBook edition) location 8953.

11. L Carlyon, op. cit., p. 759.

12. The estimate is necessarily very imprecise, www.measuringworth.com/ukcompare/relativevalue.php, accessed 23 July 2014.

13. Total British war debt 1914—1918, BBC, www.bbc.co.uk/guides/zqhxvcw accessed 24 July 2014.

14. Beaumont, *Broken Nation*, op. cit., location 8544.

15. Ibid., location 8546.

16. A Mason, 'The Australian Constitution 1901—1988', *Australian Law Journal*, Volume 62, October 1988, p. 753.

17. Ibid., p. 753.

Rather than foreign affairs more broadly, Australia (and the other dominions) were given a degree of autonomy in relation to commercial treaties. Although the colonies did not have the power to enter into commercial treaties, as this could only be done by the Imperial Government, they did, have the relatively limited power not to be bound by commercial treaties to which Britain became a party.¹⁹

So it was that the British Government of Herbert Asquith did not need to consult any of the colonial governments when making its declaration of war on Germany on 4 August 1914.²⁰

The Australian Government's role was therefore only to determine the extent of its military contribution to the Imperial forces. In this context, on 3 August the federal Cabinet made two offers to the British Government: to place the Australian fleet under Admiralty control and to despatch an expeditionary force overseas.²¹

Although some Australian Labor Party members and trade unionists (particularly those of Irish descent) expressed concern at the outset of the war about the level of Australia's involvement and lack of consultation from Britain, it was only later in the war, and particularly after the heavy losses of Australian troops, that there was a more widespread sense in both Australia and the other dominions that their interests were not always the same as Britain's. This led to increasing expectations that the Australian Government would be involved in decision-making. This saw the dominions being invited to attend meetings of an Imperial War Conference and an Imperial War Cabinet, as well as, after the war, Australia having separate representation at the Versailles Peace Conference.

However, as Professor Beaumont points out, this was viewed as nationhood within the British Empire—not separate from it.²²

Executive and the parliament

A third issue that continues to be controversial today is the extent to which the Australian Parliament, as distinct from the executive government, does or should play a role in decisions to commit troops to conflict.

Under the Australian Constitution, the power to declare war is the prerogative of the executive arm of government, which as noted above, was the British Imperial Government for the purposes of foreign policy in 1914. This reflects the view that the executive power of section 61 is taken to include all the 'prerogatives of the Crown under the English common law' including the power to make treaties with the governments of other countries and making war and peace.²³

As a matter of constitutional law, Parliament has no formal decision-making role.

This is reflected in the fact that there was no debate in parliament before Australia's entry into the war (noting though, that parliament was prorogued at the time). Similarly, when British Prime Minister Neville Chamberlain announced on 3 September 1939 that Britain was at war with Germany, Australia was again automatically at war, with Australia's Prime Minister Robert Menzies announcing on the radio (one hour and fifteen minutes later): 'it is my melancholy duty to inform you officially, that in consequence of a persistence by Germany in her invasion of Poland, Great Britain has declared war upon her and that, as a result, Australia is also at war'.²⁴

Nevertheless, while parliamentary approval is not legally required, a democratic government in the Westminster tradition needs, as a matter of political reality, to enjoy the confidence of the lower house.²⁵ As Lindell points out, parliament can move a motion of no-confidence in the government, but also has the power to 'legislate to regulate and limit the exercise of prerogative powers' such as those used to declare war, as well as continued

18. Senate Legal and Constitutional Affairs Committee, *Trick or treaty? Commonwealth power to make and implement treaties*, The Senate, Canberra, November 1995, para. 4.7.

19. *Ibid.*, para 4.10.

20. Beaumont, 'Unitedly we have fought', *op. cit.*, p. 399.

21. Souter, *op. cit.*, p. 138; Beaumont, *op. cit.*, p. 399.

22. Beaumont, *Ibid.*, at p. 411.

23. G Lindell, 'The constitutional authority to deploy Australian military forces in the Coalition war against Iraq', *Constitutional Law and Policy Review*, Vo. 5 No. 3., November 2002, p. 47.

24. D McKeown and R Jordan, *Parliamentary involvement in declaring war and deploying forces overseas*, Background Note, Parliamentary Library, Canberra, 2010, p. 6.

25. Lindell, *op. cit.*, p. 47.

control over the expenditure of money to fight the war, and the power to hold inquiries under section 49 of the Constitution. These could investigate and report into the deployment of forces and the conduct of operations.²⁶

Accordingly, there are a number of times in Australia's history that parliament has debated the issue. As Prime Minister Howard said in the context of the war in Iraq in 2003, while 'the decision lies with the executive of government: the cabinet' he 'nevertheless [thought it] appropriate that the parliament, at the first opportunity, have the chance to debate this motion. It is essential that the reasons for that decision be made plain to the representatives of the people and that they have a full opportunity to debate them and to have their views recorded'.²⁷

This statement neatly describes the historical practice. As the Library's paper on *Parliamentary involvement in declaring war and deploying forces overseas* shows, in the First World War the Governor General opened parliament on 8 October 1914, and the parliament debated a motion to agree to the Governor General's address. In that instance, the government's declaration to support Britain's war effort with personnel and funds received bipartisan support in the Parliament, which reflected widespread public support.

Similarly in the Second World War, Parliament met on 6 September 1939, three days after Australia's declaration of war. Prime Minister Menzies tabled a White Paper and delivered a ministerial statement on the war in Europe.²⁸

The issue of parliament's role in going to war remains periodically contentious. Minor parties have four times introduced Bills to remove the exclusive power of the executive to commit Australia to war: the Australian Democrats in 1985, and the Greens in 2003, 2008 and 2014.²⁹

Further reading

J Beaumont, *Broken Nation: Australian in the Great War*, Allen and Unwin, Sydney, 2013

C Clarke, *Sleepwalkers: How Europe went to war in 1914*, Penguin, Sydney, 2013

M Glenny, *The Balkans: 1804—2012: Nationalism, war and the great powers*, Granta Books, London, 2012

P Ham, *1914: The Year the world ended*, Random House, North Sydney, 2014

M MacMillan, *The war that ended peace: How Europe abandoned peace for the First World War*, Profile Books, London, 2013

D McKeown and R Jordan, *Parliamentary involvement in declaring war and deploying forces overseas*, Background Note, Parliamentary Library, Canberra, 22 March 2010

Senate Foreign Affairs Defence and Trade Legislation Committee, *Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]*, The Senate, Canberra, 2008

Senate, Legal and Constitutional Affairs References Committee, *Trick or Treaty? Commonwealth power to make and implement treaties*, The Senate, Canberra, November 1995

26. Ibid., p. 47.

27. Quoted in G Williams, 'The power to go to war: Australia in Iraq', *Public Law Reporter*, (2004) 15 PLR, p.5, at p. 6. The wording of motion moved is interesting. In Howard's case it was 'that the House take note of the paper'. The motion most frequently used is 'that the paper [ministerial statement etc] be printed'. However the key point is that the Government of the day has never asked the Parliament to endorse its actions per se.

28. McKeown and Jordan, op. cit., p. 6.

29. Ibid., p. 3.

© Commonwealth of Australia



Creative Commons

With the exception of the Commonwealth Coat of Arms, and to the extent that copyright subsists in a third party, this publication, its logo and front page design are licensed under a [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia](#) licence.

In essence, you are free to copy and communicate this work in its current form for all non-commercial purposes, as long as you attribute the work to the author and abide by the other licence terms. The work cannot be adapted or modified in any way. Content from this publication should be attributed in the following way: Author(s), Title of publication, Series Name and No, Publisher, Date.

To the extent that copyright subsists in third party quotes it remains with the original owner and permission may be required to reuse the material.

Inquiries regarding the licence and any use of the publication are welcome to webmanager@aph.gov.au.

This work has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Parliamentary Library, nor do they constitute professional legal opinion.

Any concerns or complaints should be directed to the Parliamentary Librarian. Parliamentary Library staff are available to discuss the contents of publications with Senators and Members and their staff. To access this service, clients may contact the author or the Library's Central Entry Point for referral.